

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ORDER

This case is before the court on the Report and Recommendation of Magistrate Judge Valerie K. Couch. [Doc. #52]. Plaintiff, a state pretrial detainee appearing pro se, brings this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Couch for review. On November 29, 2005, Judge Couch issued her Report and Recommendation, recommending that the motion to dismiss, construed as a motion for summary judgment, of defendant Oklahoma City Police Chief (William J. Citty) [doc. # 38] be granted and that defendant Oklahoma City Police Department be dismissed from this action.

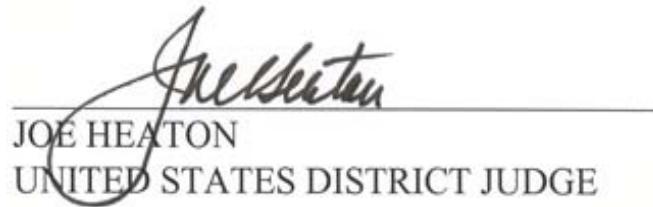
Plaintiff has not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the court concludes that summary judgment should be granted in favor of defendant City in both his

individual and official capacities and that defendant Oklahoma City Police Department should be dismissed from this action.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety. Summary judgment is granted in favor of defendant City in both his individual and official capacities, and defendant Oklahoma City Police Department is dismissed from this action.

IT IS SO ORDERED.

Dated this 10th day of January, 2006.



Joe Heaton
JOE HEATON
UNITED STATES DISTRICT JUDGE